1 Floor Single Bench (1)

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4962 OF 2004

BETWEEN

Smt. Asha Singh Wife of Shri Chandrama Singh, aged about 44 years, occupation Pradhan Adhilshika, Mata Rukhmani Sewa Sansthan Chhindgarh, District Dantewada (C.G.)

----------**PETITIONER**

P.R. No. 4413/09
Presented by Shri Sunil Sahay
dated 16/11/09

AND

1. The State of Chhattisgarh Through The Secretary Department of Scheduled Caste/Scheduled Tribe And Backward Class Welfare, Mantralay, D.K.S. Building, Raipur (C.G.)
2. Collector, Tribal Development, Dantewada (C.G.)
3. Mata Rukhmani Sewa Sansthan, Through its Secretary Jagadalpur District Bastar (C.G.)
4. Mata Rukhmani Sewa Sansthan Through its Secretary Dimrapal District Bastar (C.G.)
5. Mata Rukhmani Sewa Sansthan Through its President Dimprapal District Bastar (C.G.)

---------- **RESPONDENTS**

30/10/09

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. **PERTICULAR OF THE PETITIONER;**

As stated in the Cause title above.

(56)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4962 OF 2004

Petitioner	:	Smt. Asha Singh
	versus	
Respondents	:	The State of Chhattisgarh and others

Present : Mr. Awadh Tripathi, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/ respondents No.1 and 2.
None appears for other respondents.

ORDER

(Passed on 23rd Day of February, 2007)

By this petition, filed under Articles 226/227 of the Constitution of India, the petitioner impugns the order dated 6-10-2004 (P-7), whereby the respondents have rejected the representation of the petitioner filed in pursuance of the order dated 26-8-2004 passed by this Court in Writ Petition No.2774 of 2004 and have confirmed the transfer of the petitioner from Kanya Aashram, Chhindgarh to Kanya Aashram Tongpal.

2. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

4. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal